

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 29, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

BLUELINE EQUIPMENT CO., LLC, a
Washington Limited Liability Company,
and BLUELINE MFG. CO., a
Washington corporation,
Plaintiffs,

vs.

MOMCILO KOKANOVIC, an
individual, MIODRAG KOKANOVIC,
an individual, and MARKO
KOKANOVIC, an individual,

Defendants.

No. 1:24-CV-03051-RLP

ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE

On April 8, 2025, the Court entered an Order to Show Cause, ECF No. 5, directing Plaintiffs to show cause why the case should not be dismissed for failure to prosecute. This case was filed on April 5, 2024. ECF No. 1. Since that time, over 365 days ago, Plaintiffs have not filed any proof of service or taken any other action of record.

The Defendants and the public have an interest in the expeditious resolution of this litigation. FRCP 41(b) permits the dismissal of an action for the failure to

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1 prosecute. Under LCivR 41(b)(1), if no action of record has occurred for 180 days,
2 the Court may enter order to show cause providing the plaintiff 14 days to explain
3 why the action should not be dismissed.

4 Furthermore, under LCivR 4(m) the presumptive time period within which a
5 defendant should be served is 90 days after the complaint is filed. While
6 Defendants appear to be located abroad in the Republic of Serbia, and there is no
7 specific time limit to serve defendants residing in a foreign country, *see Armenian*
8 *v. Baliacas*, 2022 WL 3356525, at *3 (C.D. Cal. Aug. 15, 2022), such service must
9 nevertheless be diligent. *See, e.g., id.; Nylok Corp. v. Fastener World Inc.*, 396
10 F.3d 805, 807 (7th Cir. 2005) (stating “the amount of time allowed for foreign
11 service is not unlimited”). The Court may set a reasonable time limit to serve a
12 foreign party. *Inst. of Cetacean Rsch. v. Sea Shepherd Conservation Soc’y*, 153 F.
13 Supp. 3d 1291, 1320 (W.D. Wash. 2015).

14 Accordingly, the Court set a deadline to show cause of April 22, 2025. To
15 date, Plaintiffs have not responded to the Court’s Order to Show Cause or
16 otherwise acted to advance this case to completion. Accordingly, this case is
17 dismissed without prejudice for failure to prosecute under FRCP 41(b).

18 **IT IS ORDERED:**

- 19 1. This case is **DISMISSED WITHOUT PREJUDICE** for failure to
20 prosecute.

2 The Clerk's Office is directed to **CLOSE** the file.

IT IS SO ORDERED. The District Court Clerk is hereby directed to file this Order and provide copies to Plaintiffs' counsel.

DATED April 29, 2025.


REBECCA L. PENNELL
UNITED STATES DISTRICT JUDGE